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10/673,132	09/30/2003	Takayuki Iida	Q77721	3826

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EXAMINER	
ZHAO, DAQUAN	

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2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/673,132	IIDA, TAKAYUKI	
	Examiner	Art Unit	
	DAQUAN ZHAO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/26/2007 have been fully considered but they are not persuasive.

2. On page 13 of the remark, Applicant argues Gunji et al fail to teach reading means for reading the sizes of a free space and a used spaced in recording media. Gunji et al teach, in figure 4 and column 9, line 65- column 10, line 31, displaying the recorded capacity, available capacity of the HDD and the DVD according to the calculation procedure shown in figure 5. Figure 1 shows a “remaining amount calculation processing section" 401 recited in the Microcomputer block which is connected to the Display section 48. The system of Gunji et al **must read the calculation result** of the “recorded capacity” and the “available capacity” from the "remaining amount calculation process section" and display these result in the bar graph as shown in figure 4 by using the display section 48.

3. On page 13 of the remark, Applicant argues Gunji et al fail to teach "first image data editing means for editing the digital image data stored in each of the recording media whose used space size and free space size are displayed by the recording size display mean. The original claim 3 specifies the editing means moves the digital image data stored in one of the recording media to another one of the recording media (The original claim is part of the disclosure). In light of the specification, Gunji et al also teach in column 4, line 49- column5, line 2, moving data from the hard disk to the optical disk to meet the “editing means” as claimed.

4. On page 14 of the remark, Applicant argues Gunji et al fail to teach recording area display means for displaying on a display device a recording order of the digital image data recorded in the recording medium and an image file size corresponding to the number of recorded pixels thereof for visual confirmation of the position and the image file size, based on the recording area read by the recording area reading mean; Gunji et al teach in figure 4, column 9, lines 10-line 45, a method of reserving the storage to record the upcoming television program. Since the programs are broadcasted in a order, they must be recorded in a order in the medium as well. For example, for the DVD, section 402 is reserved for the next program to be recorded immediately followed section 401, which is for the program already recorded previously. The table in figure 4 makes it very clear which program is recorded next in which recording medium. the length of the reserved area in the DVD and the HDD (402a To-be-recorded, 41, To-be-recorded) or the recorded area 401, 411, clearly shown the image file size for the television programs to be recorded and the size for the recorded programs and the position of these program. For example. The recorded portion 411 of the HDD is longer than the recorded portion 401 of the DVD.

It is inherent that the displayed image file size of Gunji et al above corresponding to the number of pixels thereof because the television of figure 4 is recorded in the MPEG1 or MPEG2 **standard bit rate**, see column 4, lines 21-27. In MPEG, each frame or image contains macroblock and each macroblock contains 16X16 pixels. Some television programs are longer than other television program, which means the longer

program has more frames, which leads to more pixels. Therefore, Gunji et al teach displaying an image file size corresponding to the number or recorded pixels.

In page 15 of the remark, Applicant argues Gunji et al fail to teach wherein editing the digital image data comprises resizing the digital image data and displaying areas of the digital image data that are saved by the resizing in at least on bar graph. Figure 4 of Gunji et al teach reserved record the television program by highlighting the bar graph in backward slash (for example, 402 To-be-Recorded and 412 To-be-Recorded). After the "reserved" television program has been recorded, the "To-be-recorded" portions 402, 412 of the bar graph must became part of the "recorded" portions 401, 411, respectively. Therefore, the size of the recorded portions in the bar graph of the DVD and the HDD must increase or "resize", and the capacity or "size" of the storage medium (DVD or HDD) must also increase as well after the recording process has been done because more data is stored in these storage media.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 2, 3, 4, 6, 7, 8, 10, 11, 12, 20 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a

way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 2 recites "…wherein bar portions in a first bar graph and a second bar graph of the at least one bar graph represent a same size of the free space and the used space in at least a…" They could mean a portion of the bar represent both the free space and the used space at the same time, and there's no support in the specification for that.

There's no description for "if a length of the bar portions in the first bar graph and the second bar graph is the same".

There's no support for "at least one bar graph". There is no description for using one bar graph to represent the free space and the used space for at least two type of recording media of different types.

Claims 3, 4, 6, 7, 8, 10, 11, 12, 20 and 21 are also affected.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "the at least on bar graph" in claim1. There is insufficient antecedent basis for this limitation in the claim.

Claims 3, 4, 6, 7, 8, 10, 11, 12, 20 and 21 are also affected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 5, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gunji et al (US 7,212,725 B2).

Regarding claim 1, Gunji et al teach a recording media editing apparatus comprising: recording size reading means for reading sizes of a free space and a used space in each of recording media of different types (e.g. figure 4, available and recorded space for DVD and HDD, column 9, line 57- column 10, line 10), the recording media respectively storing digital image data (e.g. column 4, lines 21-27, MPEG format); recording size display means for displaying on a display device the used space size and the free space size of each of the recording media by using the same scale for the same sizes for enabling visual comparison thereof (e.g. e.g. figure 4, available and recorded space for DVD and HDD, column 9, line 57- column 10, line 10, the bar display are in the same scale, which is Mb, since the recording rate is in the unit of Mbps taught in column 8, lines 66-67); and first image data editing means for editing the digital image data stored in each of the recording media whose used space size and free space size are displayed by the recording size display means (e.g. “editing means”

is interpreted as the arrangement of video data, and column 6, line 57- column 7, line 6, teach the video and sub-video are separated (or arranged) before it is outputted form the medium; Gunji et al also teach arrange video from one medium to another medium in column 4, line 60- column 5, line 2).

Regarding claim 5, Gunji et al teach recording area reading means for reading a recording area of the digital image data recorded in each of the recording media of different types (e.g. figure 1, data processor 36, column 4, lines 49-54); recording area display means for displaying on the display device a recording order of the digital image data (e.g. figure 4 shows the recording order of the programs in chronological order and the file size of the DVD and the HDD in a bar) and a image file size corresponding to the number of recorded pixels thereof for visual confirmation of the recording area position and the image file size, based on the recording area read by the recording area reading means (It is inherent that the image file size corresponds to the number of recorded pixels because Gunji et al teach the video data is compressed in MPEG1 or MPEG2 format in column 4, line 23. In MPEG, each frame or image contains macroblock and each macroblock contains 16x16 pixels); second image data editing means for editing the digital image data whose recording area position and image file size are displayed by the recording area display means (e.g. “editing means” is interpreted as the arrangement of video data, and column 6, line 57- column 7, line 6, teach the video and sub-video are separated (or arranged) before it is outputted form the medium; Gunji et al also teach arrange video from one medium to another medium in column 4, line 60- column 5, line 2).

Claim 13 is rejected for the same reasons as discussed in claim 1 above. Wherein Gunji et al also teach resizing the digital image data and displaying area of the digital data that saved by the resizing in at least one bar graph (e.g. Figure 4 of Gunji et al teach reserved record the television program by highlighting the bar graph in backward slash (for example, 402 To-be-Recorded and 412 To-be-Recorded). After the "reserved" television program has been recorded, the "To-be-recorded" portions 402, 412 of the bar graph must became part of the "recorded" portions 401, 411, respectively. Therefore, the size of the recorded portions in the bar graph of the DVD and the HDD must increase or "resize", and the capacity or "size" of the storage medium (DVD or HDD) must also increase as well after the recording process has been done because more data is stored in these storage media).

For claim 17, Gunji et al editing the image data comprises resizing the image data Figure 4 of Gunji et al teach reserved record the television program by highlighting the bar graph in backward slash (for example, 402 To-be-Recorded and 412 To-be-Recorded). After the "reserved" television program has been recorded, the "To-be-recorded" portions 402, 412 of the bar graph must became part of the "recorded" portions 401, 411, respectively. Therefore, the size of the recorded portions in the bar graph of the DVD and the HDD must increase or "resize", and the capacity or "size" of the storage medium (DVD or HDD) must also increase as well after the recording process has been done because more data is stored in these storage media.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 9,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US 7,212,725 B2) as applied to claims 1, 5, 13 and 17 above, and further in view of Oka et al (US 6,828,994 B2).

See the teaching of Gunji et al above.

For claims 9 and 14, Gunji et al fail to teach editing means enables specification of portion of the digital image data whose image file size is desired to be change from among the digital image data displayed on the display device. Oka et al teach editing means enables specification of portion of the digital image data whose image file size is desired to be change from among the digital image data displayed on the display device Oka et al teach moving a portion in the bar graph to a different location (e.g. column 32, lines 61- 67, wherein DV4 corresponds to a portion of the video, which is taught in column 31, column 31, lines 10-26). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Oka et al into the teaching of Gunji et al to quickly transfer or erase data.

3. Claim15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US 7,212,725 B2) as applied to claims 1, 5, 13 and 17 above, and further in view of Haneda (US 6,459,511 B1).

See the teaching of Gunji et al above.

For claim 15, Gunji et al fail to teach displaying the recording order of the digital data comprises displaying the order in which data is recorded in each frame in the recording medium. Haneda teaches teach displaying the recording order of the digital data comprises displaying the order in which data is recorded in each frame in the recording medium (e.g. column 2, lines 1-7). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Haneda into the teaching of Gunji et al for the user conveniences.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US 7,212,725 B2) as applied to claims 1, 5, 13 and 17 above, and further in view of Mineki et al (US 5,241,655).

See the teaching of Gunji et al above.

For claim 16, Gunji et al fail to teach a list of editing functions is displayed at a time of activation of the editing apparatus. Mineki et al teach a list of editing functions is displayed at a time of activation of the editing apparatus (e.g. column 13, line 66-column 14, line 2). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Mineki et al into the teaching of Mineki et al for the user conveniences.

5. Claim18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US 7,212,725 B2) as applied to claims 1, 5, 13 and 17 above, and further in view of Hata (US 6,825,883 B1).

See the teaching of Gunji et al above.

For claim 18, Gunji et al fail to teach resizing the image data comprises reducing the number of pixels of an image photographed for high image quality to a number of pixels for normal image quality. Hata teaches teach resizing the image data comprises reducing the number of pixels of an image photographed for high image quality to a number of pixels for normal image quality (e.g. column 1, lines 13-27). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hata into the teaching of Gunji et al for storage efficiency.

6. Claim19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US 7,212,725 B2) and Hata (US 6,825,883 B1) as applied to claims 1, 5, 13, 17, 18 above, and further in view of Oka et al (US 6,828,994 B2).

See the teaching of Gunji et al and Hata above.

For claim 19, Gunji et al and Hata fail to teach resizing of the image data can be performed on a specified portion of the digital image data. Oka et al teach resizing of the image data can be performed on a specified portion of the digital image data (e.g. column 32, lines 61- 67, wherein DV4 corresponds to a portion of the video, which is taught in column 31, column 31, lines 10-26). It would have been obvious for one

ordinary skill in the art at the time the invention was made to incorporate the teaching of Oka et al into the teaching of Gunji et al and Hata to quickly transfer or erase data.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621
Daquan Zhao

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